

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Masashi TAKAI et al.

Serial No.: 10/590,872

Int'l Application No.: PCT/JP2005/03018

Date Filed: August 25, 2006

Int'l Application Filing Date: 24 February 2005

For: **OPTICAL MEMBER AND BACKLIGHT USING THE SAME**

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Commissioner for Patents
P.O. Box 1450
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Sir:

**PETITION UNDER 37 C.F.R. § 1.181 TO
WITHDRAW HOLDING OF ABANDONMENT**

A Notification Of Missing Requirements Under 35 U.S.C. 371 In The Untied States Designated/Elected Office (DO/EO/US) dated April 30, 2007 was issued by the United States Patent and Trademark Office (USPTO) in connection with the above-identified application. The April 30, 2007 Notification Of Missing Requirements indicated that applicant was required to submit a response by June 30, 2007.

On June 28, 2007 applicant filed a Response To Notification Of Missing Requirements Under 35 U.S.C. 371, including a copy of the April 30, 2007 Notification, Declaration and Power of Attorney with second co-inventor's signature, check for the \$130 surcharge for late filing of the Declaration, and Certificate of Mailing dated June 28, 2007, pursuant to the provisions of 37 C.F.R. §1.8. Attached hereto as **Exhibit A** is a photocopy of the Response To Notification Of Missing Requirements Under 35 U.S.C. 371 filed on June 28, 2007, including copy of the April 30, 2007 Notification, copy of the Declaration and Power of Attorney with second co-inventor's signature, and copy of the check for the \$130 surcharge for late filing of the Declaration.

However, as evident in Exhibit A hereto, there was a typographical error on the Response to

Notification Of Missing Requirements Under 35 U.S.C. 371 filed on June 28, 2007. More specifically, the serial number on the cover page of the June 28, 2007 Response was incorrectly indicated to be “10/590,871” as a result of a typographical error and without intent to deceive. However, the copy of the April 30, 2007 Notification and the Declaration and Power Of Attorney, included in the June 28, 2007 Response each referenced serial no. 10/590,872.

Applicant realized the error after receiving a Notification of Abandonment dated July 7, 2008 (copy attached hereto as **Exhibit B**) from the USPTO in connection with this application. Upon reviewing the image file wrappers for 10/590,871 and 10/590,872, it was clear that the June 28, 2007 Response was received by the Office of Initial Patent Examination on July 2, 2008, and had been filed under the incorrect (10/590,871) serial number.

On July 21, 2008, Ms. Elisa Kim of the undersigned’s firm spoke with a representative at USPTO PCT Operations, Ms. Terry Johnson-Vessels, who agreed that the June 28, 2007 Response was obviously submitted in connection with Serial No. 10/590,872 and therefore transferred the Response to the correct application, i.e. 10/590,872.

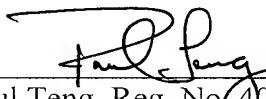
Applicant submits that a timely Response (Exhibit A hereto) was filed by applicant to the April 30, 2007 Notification Of Missing Requirements, pursuant to the provisions of 37 C.F.R. § 1.8.

Applicant hereby petitions to the Director to withdraw holding of abandonment.

No fee is deemed necessary in connection with the filing of this Petition. If, however, any fees are required, the Patent Office is hereby authorized to charge the amount of any such fees to Deposit Account No. 03-3125.

Respectfully submitted,

Date: July 30, 2008



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